

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

JUSTIN TATUM,

Plaintiff,

V.

DBOSS FUNDING LLC,

Defendant.

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CASE NO. 6:23-cv-565-JDK-KNM

## ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Before the Court is Plaintiff's Motion for Default Judgment. Docket No. 9. This case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition. Docket No. 3.


On November 13, 2024, Judge Mitchell issued a Report and Recommendation (Docket No. 11), recommending that Plaintiff's Motion for Default Judgment (Docket No. 9) be granted in part and denied in part. The Magistrate Judge recommended granting default judgment as to Plaintiff's claims under 47 U.S.C. § 227(c)(5) and Texas Business and Commercial Code § 302.101(a) but denying Plaintiff's request for \$84,500 in damages. Docket No. 11 at 9–10. Instead, the Magistrate Judge recommended awarding Plaintiff \$18,500 in damages under 47 U.S.C. § 227(c)(5) and \$65,000 under the Texas Business and Commercial Code § 302.302(a), for a total of \$83,500 in statutory damages. *Id.* at 11. No written objections have been received.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no objections were filed. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendations of the United States Magistrate Judge (Docket No. 11) as the findings of this Court and **GRANTS in part and DENIES in part** Plaintiff's Motion for Default Judgment (Docket No. 11).

**So ordered and signed on this**  
**Dec 12, 2024**

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE